

# I2

## Private Enterprise, Public Good?

Communications Deregulation as a  
National Political Issue, 1839–1851

In June 1847, Supreme Court Justice Levi Woodbury delivered a remarkable paean to the regulatory powers of the federal government. “To dream,” Woodbury declared, that the Post Office Department might be supplanted by “individual enterprise” was to “dream as wildly as in the tales of the Arabian Nights.” Private enterprise might conceivably meet the needs of a compact territory that was densely settled and bustling with commercial activity: “But what could it do for the county of Coos, or Tioga, or for Iowa, and Florida, and Oregon?”<sup>1</sup>

Woodbury’s remarks had been occasioned by one of the many lawsuits in the mid-1840s that pitted the federal government against a parcel delivery company. Beginning around 1840, these companies, known popularly as private expresses, challenged the various legal restrictions on private mail delivery by providing postal patrons with a low-cost alternative to the Post Office Department on many lucrative routes in New England and the mid-Atlantic states.

Supporters of the private expresses included David Hale and Gerald Hallock, the editors of the influential *New York Journal of Commerce*. Beginning in 1840, Hale and Hallock editorialized in support of the establishment of “free trade” in mail delivery in the conviction that this would foster a salutary competition.<sup>2</sup> “Private enterprise carries the letters *better*, as well as cheaper, than the government mails,” Hale and Hallock declared, in a typical column in February 1844.<sup>3</sup> Hale and Hallock went so far as to proclaim the postal monopoly unconstitutional, and to endorse the unsuccessful attempt of postal reformer Lysander Spooner to bring the issue before the Supreme Court.<sup>4</sup>

Woodbury was well aware of the challenges to the postal monopoly that its critics had raised, and met them head-on. His critique was at once historical and normative. To contend that the postal monopoly lacked a constitutional warrant was to ignore the circumstances that had existed seventy years earlier, when the federal Constitution had been originally drafted. At that time, Woodbury observed, no one could have envisioned that the Post Office Department might one day face private competition. On the contrary, such a situation had become conceivable only in the relatively recent past, with the improvement of the road network, the coming of railroads and steamboats, and the rise of “greater private enterprise and capital.”<sup>5</sup>

Normative considerations underlay Woodbury’s historical argument. The elimination of the postal monopoly, Woodbury warned, would benefit the few at the expense of the many. Should the courts dismantle the “great central regulations” that the federal government enforced, this would severely disadvantage the two-thirds of the American people who lived in the seven-eighths of the country that lay outside of the major commercial centers. No longer would these Americans be able to enjoy the postal cross-subsidies that the postal monopoly underwrote. While some contended that Congress might choose to fund these cross-subsidies out of the general treasury, Woodbury did not: like most public figures, he considered it axiomatic that the Post Office Department should, at the very least, break even. As a consequence, he considered the postal monopoly an indispensable mechanism for transferring the surpluses generated in the major commercial centers to the thousands of towns and villages in the interior. In its absence, there would be no way to subsidize the circulation of the myriad newspapers, magazines, pamphlets, and government documents that crowded the mails. The subsidized delivery of such an enormous volume of printed matter was, Woodbury argued, one of the “great peculiarities” of the American government. Without it, Americans would be deprived of intelligence of every kind, including “food for the public mind, new views, new helps, new discoveries of inventions, new principles,

new reforms—in short, new improvements in everything that strengthen or adorn society.”<sup>6</sup>

Woodbury found the rationale for the federal regulation of communications so compelling that he extended it to embrace even the electric telegraph, a means of communication unknown to the framers of the federal Constitution. Woodbury was well aware that, for some time, a small but articulate group of promoters, newspaper editors, and congressmen had been advocating the commercialization of the telegraph as a private enterprise. Here, once again, Woodbury demurred. Under no circumstances, Woodbury warned, should the government permit “private experiments” with the new technology to override the “welfare and wants of the whole community.”<sup>7</sup>

Woodbury’s remarks provide a vantage point from which to explore the movement that flourished between 1839 and 1851 to limit the involvement of the federal government in mail delivery and telegraphy—at the time, the two principal forms of long-distance communication. This essay is neither a full history of this movement nor a survey of its relationship to the wider currents of American reform. Rather, it highlights certain features of its history in order to document the emergence in American public life of a new, and distinctive, understanding of the advantages and disadvantages of what we today would call communications deregulation, or what contemporaries called private enterprise.

For over fifty years, historical accounts of nineteenth-century public life have downplayed the importance in national politics of issues involving the regulatory powers of the federal government. Beginning in the 1940s, with Thomas C. Cochran’s critique of the “presidential synthesis,” and accelerating in the 1960s, with the rise of the “new” social history, it has been customary to dismiss federal regulation—along with most governmental institutions—as irrelevant to the larger drama of social and cultural change.<sup>8</sup>

Curiously enough, this neglect of federal public policy has extended even to political historians. Intent on exploring the social dimensions of public life at the grass roots, the so-called “new” political historians often ignored national political issues altogether. Preoccupied with why voters voted, they only rarely pondered what the government did. And when political historians did turn their attention to federal public policy, they typically reduced it to nothing more than a distributive struggle over discrete and often highly particularistic outcomes, such as a land sale or a political appointment. As a consequence, a host of regulatory and redistributive issues were assumed away.<sup>9</sup>

This essay points historians of the early republic in a different direction. Building on recent scholarship on social relationships and cultural norms, it

shows how the study of national political issues can raise larger questions about American public life. In particular, it reveals that, even in the supposed heyday of laissez-faire, private enterprise remained a contested ideal. Not until the 1840s would public figures begin even to acknowledge the possibility that large-scale, nationwide enterprises, such as the postal system or the telegraph network, could be coordinated by institutions other than the federal government. The significance of this perceptual shift is often overlooked. To borrow a phrase from Eric Hobsbawm, private enterprise was an invented tradition, a late-Jacksonian era response to prior developments in American public life.<sup>10</sup>

The novelty of the idea that large-scale ventures could be coordinated by non-governmental institutions is underscored by the infrequency with which the phrase “private enterprise” occurred in the writings of the founders of the American republic.<sup>11</sup> The phrase was rarely used in early congressional debates, and appeared but once in the published edition of the journals of the Continental Congress. In the half-century between the adoption of the federal Constitution and the Panic of 1837, the only president to invoke the phrase in a public address was Thomas Jefferson, who used it once in his 1806 message to Congress.<sup>12</sup> Jefferson’s use of the phrase was revealing. In his address, Jefferson proposed that the federal government support the establishment of certain scientific institutions that private groups lacked the resources to endow. “Education,” Jefferson observed, “is here placed among the articles of public care, not that it would be proposed to take its ordinary branches out of the hands of *private enterprise*, which manages so much better all the concerns to which it is equal.”<sup>13</sup>

Though Jefferson acknowledged the superiority of private enterprise in “all the concerns to which it is equal,” he implicitly conceded that public support would be imperative in certain realms, such as the funding of scientific institutions. Nowhere did Jefferson imply—as would later government critics—that even complex and costly ventures were best coordinated by organizations other than the federal government. Indeed, it would be a mistake to assume that Jefferson accorded the phrase any special significance. If he had, he could have been expected to have repeated it in a variety of contexts. In fact, in a lengthy address he used it but once, as a felicitous counterpoint to “public care.”

The phrase private enterprise remained somewhat exotic until the 1830s.<sup>14</sup> A few public figures, like Jefferson, invested it with positive meaning. The Post Office Department, observed New York *Evening Post* editor William Leggett in 1835, did not own the means of conveyance upon which it relied to transmit the mail. Why, then, might not the legal restrictions on private mail delivery be abolished, and the business “safely trusted” to “private enterprise”?<sup>15</sup> Others

considered it something of a put-down. The "grander cosmopolitan project" of a government-funded ship canal across the isthmus of Panama, one essayist warned in 1839, might well be stymied by small-scale ventures that were hostile to the "common interest of the world at large" and that could be consummated "even by private enterprise."<sup>16</sup>

Historians of the United States often assume that, in the United States, in contrast to Europe, big business preceded big government.<sup>17</sup> From the standpoint of the Progressive era, this generalization is understandable. After all, by the early twentieth century, no public agency could match the administrative capacity of private corporations such as the Pennsylvania Railroad or American Telephone and Telegraph.

In the early republic, a different situation prevailed. While most businesses remained small, the government—including, above all, the federal government—was enormous. Within the federal government, no public agency could match the size or geographical reach of the Post Office Department. No institution of any kind employed more people, deployed more complex managerial techniques, or operated on a comparable scale. Few commanded a comparable measure of trust.<sup>18</sup>

The large size and expansive mandate of American governmental institutions—at the state as well as the federal level—owed much to their genuine popularity. Ordinary Americans coveted a vast panoply of public works—including canals, roads, and improved mail delivery—and legislators responded.<sup>19</sup>

Prior to 1851, Congress mandated that improvements in mail delivery be funded out of postal revenue, without recourse to the general treasury. While this requirement was occasionally relaxed, it was rarely ignored. To fund popular, though expensive services—such as the low-cost circulation of newspapers and the extension of postal facilities into thinly settled regions—legislators established an ingenious regulatory regime. To keep the Post Office Department self-sustaining, postal administrators used the surplus generated on letter postage to cover the cost of transmitting newspapers and other kinds of printed matter, and the surplus generated in the major commercial centers to maintain postal facilities in the rest of the country. In no sense were these cross-subsidies merely distributive, in the sense of providing easily divisible benefits to particular claimants. Rather, they had structural biases that reflected—and, indeed, helped to promote—policy goals that were widely shared.<sup>20</sup>

Prior to steam-powered transportation, this regulatory regime worked reasonably well. In large measure, this was because postal administrators retained a

great measure of control over the stagecoach proprietors and post riders upon whom they relied to transport the mail. Postal administrators set the schedules that stagecoach proprietors followed, and had little trouble discouraging post riders—who they themselves had appointed—from circulating mailable matter on their own private account.

With the advent of steam-powered transportation—steamboats, railroads, and ocean-faring steamships—the situation grew more complex. By greatly increasing the facilities for travel, these new means of conveyance enormously expanded the opportunities for travelers to carry small packages—including letters—on their persons, or, as the phrase went, "outside of the mail." No longer was the mail carriers' carrying capacity confined to the stage drivers' baggage rack and the post riders' saddlebags. And no longer did postal administrators set the schedules for the means of conveyance on which the mail carriers relied.

This novel situation created a market niche that was quickly exploited by the enterprising group of young men who founded the parcel delivery industry. The first successful parcel delivery company was established in 1839 by William Harnden, a twenty-five-year-old former railroad conductor. Harnden set himself up in business by advertising that, for a set fee, he would carry newspapers and small parcels by railroad and steamboat between Boston and New York. For a time, Harnden also carried letters under a special arrangement with the Post Office Department. Harnden's success was assured when, following a tip from the New York newspaper vendor James W. Hale, he coordinated his trips to meet the heightened demand for high-speed communication that followed the establishment by Samuel Cunard of ocean-faring steamship service between Liverpool and Boston.<sup>21</sup>

Harnden's innovation led to the establishment of similar parcel delivery companies throughout much of New England and the mid-Atlantic states. Like Harnden, these companies often carried letters, which as a consequence of the existing regulatory regime they could transmit for substantially lower rates than the federal government. To avoid running afoul of the laws prohibiting competition in the letter-mail business, Harnden took various precautions. "Keep good friends with the Post Office folks," Harnden wrote a business associate in 1841, after his original contract with the Post Office Department had expired: "Gain and keep their confidence. Receive nothing mailable. . . . You will have no small number of Post Office spies at your heels. They will watch you very closely. See that they have their trouble for their pains."<sup>22</sup> Harnden's competitors ignored his warnings and quickly became major competitors of the Post Office Department in the lucrative letter-mail business throughout much of the Atlan-



tic seaboard and upstate New York. By 1845, private expresses and ordinary travelers were together diverting from the Post Office Department as much as two-thirds of all the correspondence in the country.<sup>23</sup>

The rise of the parcel delivery industry raised basic questions about postal policy. If the private expresses could make large profits by underbidding the Post Office Department, why did the basic letter rate remain so high? Between 1840 and 1845, this question received a great deal of coverage in the press. During this period, individuals from throughout the country flooded Congress with petitions for "cheap postage"—including, as its centerpiece, a major reduction in the basic letter rate. Few of the major political issues of the day boasted a broader base of support. Perhaps the best measure of the popularity of cheap postage was the willingness of so many Americans to patronize the private expresses—mounting what was, in effect, a massive boycott of the federal government.

Many congressmen opposed the letter-rate reduction that the petitioners sought. They feared, not implausibly, that such a radical change would significantly reduce the revenue that postal administrators relied upon to maintain the existing regulatory regime. Echoing their misgivings were Postmaster General Charles Wickliffe and the Washington *Madisonian*, the official organ of the Tyler administration.<sup>24</sup> Taking to the offensive, Wickliffe intensified the legal campaign that postal administrators had long waged against their competitors. By 1845, Wickliffe's subordinates had instituted hundreds of lawsuits against individual companies. This prosecutorial crusade was so elaborate that, at its height, James W. Hale, now the proprietor of his own letter-mail company, quipped that he was the "most arrested" man in the world.<sup>25</sup>

This combination of popular defiance and governmental intransigence occasioned a searching reevaluation of the possibilities of private enterprise. Initially, as maverick expressman Lysander Spooner would later reminisce, his critics derided the mail delivery company that he had established as "destitute of all patriotic or moral principles." Gradually, however, they came to dignify it as "private enterprise."<sup>26</sup> No longer did contemporaries assume—as had, for example, Thomas Jefferson—that private enterprise must necessarily be restricted to commercial ventures that were relatively small in scale. With the rise of the private expresses, it was now plausible to envision—for the first time in American history—that even the mail delivery business might be entrusted to private companies. At the height of the private mail delivery boom, one of Harnden's former agents, Henry Wells, was reputed to have offered to take over the entire mail delivery business and run it himself.<sup>27</sup> Prior to the boom, such a proposal would have been quite literally inconceivable. In a similar spirit, political economist Amasa Walker offered Congress \$1 million in 1844 for the rights to the

postal monopoly for twenty years on the condition that he maintain the existing level of service while significantly reducing the basic letter rate.<sup>28</sup>

Several public figures followed the lead of the *Journal of Commerce* and called for the outright repeal of legislative prohibitions on private competition. Yet such appeals were relatively rare. More characteristic was the response of a special committee of the New York Chamber of Commerce. In August 1844, this committee presented the postmaster general an open letter on postal reform. Unsurprisingly, the committee endorsed a major reduction in the basic letter rate. Yet the committee *also* supported new legislation to *tighten* the laws prohibiting private mail delivery, on the grounds that the present conveyance of letters by private expresses—"even if legal"—was not a proper source to be permanently relied on for "so responsible a trust."<sup>29</sup>

Public sentiment, so far as it can be gauged from petitions to Congress, expressed similar misgivings. In the early 1840s, thousands of Americans petitioned Congress to lower the basic letter rate. Yet few regarded the private expresses as anything more than a temporary expedient, even though many recognized that, by successfully underbidding the Post Office Department, these companies had provided a major impetus to the rate reductions that the petitioners desired. Should the Post Office Department match its competitors, predicted the Illinois General Assembly in 1843, the whole people might soon secure a level of service that, at present, was confined to a few: "Under a just and reasonable rate of postage, this successful competition with the public mail could never succeed."<sup>30</sup>

Newspaper editors voiced related concerns. Arunah S. Abell of the Baltimore *Sun* prided himself on being the first editor south of the Hudson to champion the cause of postal reform.<sup>31</sup> Yet Abell had little patience with what he derisively termed the "daily increasing activity and efficiency" of the private expresses, and urged Congress to reduce the basic letter rate so that these "evils" might be averted.<sup>32</sup> The mail delivery business, reflected Horace Greeley in the *New-York Daily Tribune*, had for many years exceeded the "powers" of private enterprise. Now the situation had changed and the federal government should respond by lowering the basic letter rate. Greeley deplored the prosecution of the private expresses: "No government is in the discharge of its rightful duty while thus seeking to repress private enterprise and industry."<sup>33</sup> Yet Greeley regarded private competition as a mere temporary expedient that would hasten the long-hoped-for postal reform: "We believe *one* mail establishment can serve the people of the whole Union better and cheaper than a thousand warring concerns."<sup>34</sup>

Greeley's straddle was typical of many city editors. Private enterprise, declared an editorialist in the *Buffalo Commercial*, would hasten postal reform. And when



it did, the authority to transmit letters and other mailable matter should be "exclusively vested in the government."<sup>35</sup> What would happen, wondered the editors of the *Washington Daily National Intelligencer*, if the Supreme Court declared the postal monopoly unconstitutional? Without that "great regulator," the Post Office Department, how would the public be guarded from the exorbitant charges that a private combination might levy? And who would guarantee the sanctity of the mails?<sup>36</sup>

Even Hale and Hallock of the *Journal of Commerce* recognized that certain private expresses might endanger the public good. The occasion for this remarkable departure from free trade orthodoxy was the establishment by a consortium of merchants in January 1845 of a private horse express between Covington, Georgia, and Montgomery, Alabama. Such an express, Hale and Hallock warned, might well give a half-dozen men in New Orleans advance knowledge of a sudden rise in the markets in Liverpool—a valuable asset, should the New Orleans market be glutted with cotton, wheat, and other sought-after goods. Hale and Hallock found the merchants' "private enterprise" commendable, yet considered it a "nuisance" to the mercantile interests and urged that it be swiftly "countervailed" with the establishment by the Post Office Department of a competing government express.<sup>37</sup>

Private mail delivery fared little better in Congress. Between July 1842 and March 1845, postal reform was the subject of several long and sometimes contentious debates. Though several congressmen questioned the propriety of prosecuting the private expresses, none hailed them as commendable examples of private enterprise or urged the abolition of the postal monopoly—as, for example, one congressman had in 1839.<sup>38</sup> On the contrary, everyone affirmed the indispensability of the existing regulatory regime. The crux of the matter, explained Congressman James Buchanan of Pennsylvania, was to protect postal revenue from outside assault. What would happen, Buchanan asked, if the private expresses rendered profitless the very routes postal administrators relied on to keep the institution from running into debt? To pose the question was to answer it. Under no circumstances, Buchanan declared, should Congress permit its "unquestionable constitutional power" to be defeated by the "lawless action of individuals."<sup>39</sup> Some congressmen favored stiff new penalties to frustrate private enterprise in mail delivery; others advocated a major reduction in the basic letter rate. Still others favored some combination of the two. On one point, everyone agreed. The private expresses must be stopped.<sup>40</sup>

Few congressman attacked private enterprise in mail delivery with more ingenuity than Maryland senator William Merrick. It was "indispensably necessary," Merrick declared, to prevent by suitable legislation the "great and alarming

frauds" that the private expresses had perpetrated.<sup>41</sup> After all, the proprietors of these companies were nothing but mere "private competing individuals" actuated by the "cupidity of gain": the public good was far above such "mere" pecuniary considerations. Merrick conceded that an exclusive reliance on restrictive legislation could never solve the problem that the private expresses posed. In addition, he believed, Congress should curry public favor by lowering the basic letter rate. Mollified by the rate reductions, the public would once again sustain the government's legal campaign against the private expresses and perpetuate the regulatory regime.<sup>42</sup>

Merrick's compromise became a cornerstone of the Post Office Act of 1845, which simultaneously reduced postal rates while strengthening legal prohibitions on private mail delivery. The popular response to this legislation, however, fell short of Merrick's hopes. Though Congress had substantially reduced the basic letter rate, the new rate remained *higher* than that charged by many of the private expresses. Predictably, a few decided to risk prosecution and remain in business. "Private expresses," reported one New Hampshire newspaper editor shortly after the new law went into effect, "*have not* been discontinued in this quarter. Far from it. They are now doing as large a business as ever, carrying letters at half the government rates. . . . The new postage act did not abate what is called 'private enterprise,' and the act itself, it is thought, will soon be found to be insufficient."<sup>43</sup>

Within Congress, the failure to suppress the private expresses led a growing number of legislators to call for the outright privatization of the Post Office Department. In the near future, speculated the chairman of the House post office committee in June 1848, the public good might well be better served if Congress replaced the postal monopoly with a competitive "system" that encouraged "individual enterprise." Under such an arrangement, Congress could retain the power to designate post routes and set maximum postal rates. The conveyance of the mail, however, would become the prerogative not of salaried dependents but of the same kind of energetic individuals who were running the private expresses and the nascent telegraph industry.<sup>44</sup> It would not be long, declared one senator a few months later, before the "present post office system" would cease to exist, with its "duties" taken over by private enterprise.<sup>45</sup> It was only a matter of time before legislators took the logic of privatization to its extreme and proposed—as did Gerrit Smith of New York in 1854—the outright abolition of the Post Office Department.<sup>46</sup>

In the end, however, all proposals to deregulate the Post Office Department failed. In an era that witnessed the defeat of John Quincy Adams's national

program of internal improvement and the triumph of Andrew Jackson's war on the Bank of the United States, this failure is worth underscoring. How can it be explained?

The failure of postal deregulation owed something to the role that postal patronage had come by the 1840s to play in campaign finance. For the party workers who rallied voters to the polls, postal contracts and jobs were a highly coveted reward. For postal reformers Joshua Leavitt and Barnabas Bates, this simple fact doomed any thoroughgoing reform. The "naked truth," Leavitt editorialized in 1845, was that Congress perpetuated the postal monopoly neither for the benefit of the people, nor by virtue of any constitutional authority, but to provide party leaders with jobs for their supporters.<sup>47</sup> Political exigency, Bates confided to one-time expressman Lysander Spooner in 1851, derailed Bates's attempt to secure from the federal government an exclusive franchise to transmit the mail. Bates had failed—or so Bates assumed—because Congress insisted on maintaining the Post Office Department for "electioneering purposes."<sup>48</sup>

Partisan imperatives furnished postal reformers like Leavitt and Bates with a convenient explanation for their inability to secure the reforms that they sought. Yet they cannot explain the failure of postal deregulation. Far more important was the reluctance of Congress to buck public opinion and dismantle the existing regulatory regime. Though thousands of Americans had patronized the private expresses in the early 1840s, only a few joined Hale and Hallock of the *Journal of Commerce* in championing private enterprise as a permanent alternative to the Post Office Department. Of the hundreds of petitions on postal topics that found their way to Congress during the 1840s, for example, few praised the private expresses, while none called for the outright abolition of the Post Office Department. What petitioners sought, instead, was the elimination of special privileges for government officials, improvements in the level of service, and, most important of all, a major reduction in the basic letter rate. Popular pressure proved so compelling that, in 1851, Congress lifted a major constraint upon postal expansion. Henceforth postal revenue no longer had to cover postal expenses, making it possible for Congress to cut postal rates—as it did in 1851—without a countervailing reduction in the level of service.<sup>49</sup>

Postal improvements, in short, were popular, while private mail delivery was not. Should Congress permit private competition, explained Missouri congressman Willard P. Hall in 1851, it would be well advised to get out of the mail delivery business altogether. Yet such a radical proposal, Hall added, had the support neither of Congress nor of the "people of the country."<sup>50</sup> The existing regulatory regime, lawyer Charles M. Ellis declared at about the same time in an

unusually forthright statement of a common view, was not a monopoly in its "odious sense." In a "democratic state of society," Ellis posited, a monopoly deprived the people of the ability to control the means of communication through "united and efficient action." In no sense was this true of the Post Office Department. For reasons vital to the public welfare, the federal government had an obligation to put everyone on an equal footing in the "transmission of intelligence" by making it "as free, as quick, as sure and as cheap as the light of day." Should a private mail delivery company ever rival the federal government in its "completeness," it would be the "most dangerous power in the State."<sup>51</sup>

A comparable faith in the regulatory power of the federal government shaped the initial public response to telegraphy. Electric telegraphy was new in the 1840s, and it was by no means obvious to contemporaries how it was going to be commercialized, or even whether it would promote the public good. These anxieties are worth underscoring, since they are often forgotten. From the outset, newspaper editors, merchants, and public figures from almost every corner of the United States hailed the new technology as the greatest invention of the age. Almost no one questioned the desirability of facilitating high-speed—and, at least in theory, instantaneous—communication between far-flung localities.<sup>52</sup> Accompanying this euphoria, however, was a strong undercurrent of concern. The new technology was so powerful, its critics warned, that were it not properly regulated, it might well prove less of a blessing than a curse.

The appeal of federal control helps explain why the first telegraph line in the United States to be open to the public—a forty-mile line between Washington and Baltimore—was financed out of general revenue and administered during its first two years by the Post Office Department. Among the most tireless champions of federal control was Samuel F. B. Morse, the painter-turned-inventor whose ownership of a majority share in a key telegraph patent gave him a major voice in the early history of the industry. Morse fervently believed that the federal government should own the rights to his patent—which, with a self-confidence bordering on arrogance, he presumed to cover every important feature of the new technology. In pursuit of this goal, Morse secured federal support for experiments that culminated in 1844 with the successful demonstration of the commercial possibilities of electric telegraphy and in 1845 with the opening of the Washington-Baltimore line.

Morse's faith in federal control antedated by almost a decade the commercialization of the new technology. "It would seem most natural," Morse observed in 1837, to "connect a telegraphic system with the Post Office Department; for, although it does not carry a mail, yet it is another mode of accomplishing the

principal object for which the mail is established, to wit: the rapid and regular transmission of intelligence."<sup>53</sup> Morse predicated his postal analogy on the expansive role that the Post Office Department had come to assume since the 1820s in the circulation of time-specific information. Beginning with Postmaster General John McLean, a succession of postal administrators had proclaimed that the federal government had an obligation to transmit information faster than any possible rival. In an age when merchants could make fortunes overnight by running private horse expresses to outpace the mails, this federal guarantee was vital to the thousands of planters and farmers who were dependent on foreign markets for the sale of their crops. Federal control, Morse predicted, would prevent the few from defrauding the many. Should Congress leave telegraphy to speculators to monopolize for themselves, Morse warned, it might easily become the means of enriching a single corporation while causing the "bankruptcy of thousands."<sup>54</sup>

Equally disturbing for Morse was the possibility that the federal government might monopolize the new technology by itself. Such an arrangement, Morse warned, might well work "vast mischief." The optimal form of federal control, instead, was a mixed enterprise in which the federal government retained the exclusive right to the new technology by virtue of its ownership of the key patents—including, of course, Morse's own. Under such a scheme, the federal government could designate a number of lines for its own use. The core of the network, however—the "private telegraphs," as Morse termed them—would be built and maintained by investors upon payment to the federal government of a licensing fee that granted them exclusive rights to specific routes. In this way, the federal government would possess the communication facilities it needed, while encouraging a general competition among investors governed by whatever regulations legislators might think proper. Such "checks and preventives of abuse," Morse predicted, would harness this "otherwise dangerous power" to the public good. Given the enterprising character of Americans, Morse predicted, it was "not visionary" to suppose that before long the whole surface of the country would be "channeled" for those "nerves which are to diffuse, with the speed of thought, a knowledge of all that is occurring throughout the land; making, in fact, *one neighborhood* of the whole country."<sup>55</sup> Prior to 1847, every contract that Morse entered into specified that Congress retained the right to purchase his patent for a mutually agreed upon sum. After 1847, Morse and his business associates struggled doggedly—though, ultimately, with limited success—to exploit the new technology in an orderly fashion by using their ownership of Morse's patent to enforce common procedures for companies wishing to enter the market.

Similar, though usually less elaborate, plans for federal control had broad support in the press. Early on, many editors regarded a federal buyout of Morse's patent as inevitable, if only because, like the private expresses, private telegraph companies threatened to deprive the Post Office Department of a great deal of revenue. Others looked to federal control as a safeguard against speculative fraud and abuse. Private enterprise, declared James Gordon Bennett of the *New York Herald* in April 1845, was fast erecting telegraph lines in many directions, yet the public interest would be much more securely promoted should the federal government undertake the arrangement.<sup>56</sup> It must be "clear to every one," declared James Watson Webb of the *Morning Courier and New-York Enquirer*, at about the same time, that no private enterprise should be permitted to use the new technology for "private and exclusive purposes." On the contrary, the federal government should control it and make "such a disposition of its vast powers as should most conduce to the public welfare."<sup>57</sup> So enormous were the dangers of speculation, editorialized William M. Swain of the Philadelphia *Public Ledger* the following October, that the federal government might even find it advisable to prohibit anyone other than a government official from transmitting a message over the wires. "Perhaps the best security," Swain speculated, "would be in the prohibition of all private correspondence. Some will say that this would render the telegraph nearly useless. We grant that it would—to speculators, and we add that for mercantile speculations only will it be much used in private correspondence, excepting during elections."<sup>58</sup>

Some contemporaries openly doubted whether telegraphy could be administered as a public-private joint venture, as Morse had hoped. Congress had erred in permitting the new technology to be commercialized by a "private company," warned a New York newspaper correspondent in 1845 who styled himself "Mercator," since no governmental body could devise regulations sufficiently stringent to "shut out the chance, not to say probability, of its abuse." Should the "vast monopoly" fall into the hands of speculators, Mercator warned, an indignant public could be expected to rise up and destroy its property immediately after it learned of the first major speculation to have made use of its "agency."<sup>59</sup>

The merits of federal control were recognized even by stalwart champions of private enterprise. Should telegraphic promoters refuse the "privilege" of sending and receiving telegraphic dispatches to anyone willing to pay a reasonable fee, Hale and Hallock reflected in the *Journal of Commerce* in January 1845, private control of an "instrumentality so powerful" would be a "public nuisance" that should not be tolerated.<sup>60</sup> And were speculators to gain control of the new medium, Hale and Hallock warned in November of the following year, this would be an "evil of no ordinary magnitude" that would require the prompt



intervention of the strong arm of the law. The reluctance with which even such fervent champions of private enterprise endorsed the privatization of telegraphy was perhaps the most telling evidence of the extent to which its future remained contested. Nineteen months after the telegraph had made its commercial debut, the editors of one of the most influential commercial newspapers in the country remained uncertain as to whether the new technology would be a "public blessing" or a "public nuisance."<sup>61</sup>

Editorial support for federal control owed a good deal to the uneasiness with which editors contemplated the disruptive effects of telegraphy on their own news-gathering efforts. Some editors worried that private telegraph companies might discriminate against their newspaper in ways that would benefit their rivals. Others worried that the new technology would raise the cost of news gathering. Telegraphic dispatches were expensive, and, at least initially, it was far from self-evident that newspapers would receive favorable rates. At present, observed the editor of the Baltimore *Patriot*, newspaper editors enjoyed under federal law the right to exchange with each other an unlimited number of newspapers free of charge. These exchanges, in turn, provided editors with the bulk of the news that they relied on to fill their columns. Should the Post Office Department retain control of the new technology, this policy would presumably be maintained; if it devolved upon private enterprise, however, it might well be abandoned. In either event, the postmaster general should work with the private telegraph companies to ensure the free circulation of all information "important or interesting to the whole people." The cost of this information, in turn, should be borne by those individuals who used the telegraph for "private benefit or speculation"—by analogy with the longstanding presumption that the postage on merchants' letters subsidized the exchanges upon which editors relied for their news: "This will be found, we are sure, to be the true policy of the telegraphs, whether regard be had to their profits or to their use." Should this policy be adopted, editors would continue to receive news broadcasts free of charge "as in the case of the exchange papers in the ordinary mail."<sup>62</sup>

This constellation of concerns helps explain why federal control of telegraphy had the backing of four of the most widely circulated newspapers in the country—the New York *Sun*, the New York *Herald*, the Baltimore *Sun*, and the Philadelphia *Public Ledger*.<sup>63</sup> The editors of the "penny press," as these newspapers would come to be known, had been quick to fault the Post Office Department for high rates and poor service. Indeed, they were among the leading champions of postal reform. These criticisms notwithstanding, they remained skeptical of all proposals to privatize the new technology. It was not hard to see why. In contrast to their more expensive, better-established rivals—

such as the *Morning Courier* and the *Journal of Commerce*—the penny papers were dependent for revenue on daily sales rather than annual subscriptions. As a consequence, their editors were extremely sensitive to anything that might affect their access to a steady stream of cheap and abundant up-to-date news.

Editorial support for federal control persisted even after private companies had begun to extend lines to the major commercial centers. "Public opinion," declared the editor of the Philadelphia-based *Pennsylvania Inquirer* in June 1846, was "decidedly in favor" of a federal takeover of the various telegraph lines that private individuals had established. A federally owned and operated telegraph, the editor predicted, would reduce rates and improve service. The many individuals who had built up the telegraph industry during the past year deserved great credit for their "enterprise and perseverance," yet such a "vast engine of communication" should be in the hands of the federal government under proper regulations.<sup>64</sup>

Even critics of federal control acknowledged its popularity. Though he himself favored the commercialization of the telegraph as a private enterprise, Jeremiah Hughes of *Niles's National Register* acknowledged that his views were unique, at least within the press. "All the other public journals that expressed opinions," Hughes observed in September 1846, "appeared to urge the government to make the telegraph a government monopoly." Impatience with private enterprise, Hughes inferred, was a logical counterpart of the universal desire to expand the telegraph network rapidly, since it was taken for granted that the federal government could construct new lines faster than even the most enterprising of private companies.<sup>65</sup>

Perhaps the most careful student of popular sentiment on the telegraph issue was Morse's business agent, Amos Kendall. Federal control—or so Kendall reported to Morse's business partner, Francis O. J. Smith, in a series of confidential letters in 1845—was broadly popular, making it imperative that the patentees not foreclose the possibility of a government sale. It was "all important," Kendall lectured Smith shortly after the opening of the Washington-Baltimore line, to keep "public opinion with us."<sup>66</sup> Most telegraph investors, Kendall explained in 1846 to the chairman of the House post office committee, opposed such a sale of Morse's patent to the government. Nonetheless, Kendall added, the owners of Morse's patent felt themselves "called upon" by public opinion to "hold this great instrument of wealth and power" at the disposition of the federal government for a "reasonable consideration."<sup>67</sup>

Federal control even received the formal endorsement of one group of prominent merchants. It was simply unacceptable—declared the influential Baltimore mercantile house of Alexander Brown & Co. in November 1846, in heading up

a petition to Congress signed by many of the city's leading merchants—for the federal government to permit the private expresses to beat out the Post Office Department day after day. Should Congress purchase Morse's patent, this evil could be avoided. "The control of the entire commercial and news correspondence of the country," the merchants explained, was a "tremendous power" that ought to be possessed exclusively by the "most responsible public agents." The "obvious fact" that the new technology gave telegraph managers control over the interests of merchants, the press, the government, and indirectly of the whole people was sufficient to "show the danger" of leaving it in private hands.<sup>68</sup>

Federal control also had the support of Whig presidential candidate Henry Clay. Should the new technology remain in private hands, Clay warned in a letter to one of Morse's business partners during the height of the 1844 campaign, speculators would be able to "monopolize intelligence": "I think such an engine ought to be exclusively under the control of government."<sup>69</sup>

One of the most elaborate appeals for federal control took the form of a report to Congress in March 1845 by Georgia Whig Absalom Chappell. Enamored, like Morse, with the postal-telegraphic analogy, Chappell tried unsuccessfully to persuade legislators to extend Morse's telegraph from Baltimore to New York. Chappell conceded the dangers of most projects to augment federal power, yet regarded the telegraph as an exception. "The great and fundamental principle" upon which the Post Office Department operated, Chappell postulated, was the presumption that the federal government not be "outstripped" in the circulation of "correspondence and intelligence." In support of this principle, Chappell observed, Congress had recently awarded lucrative mail contracts to several railroad corporations. It was with "equal certainty," Chappell predicted, that Congress would adopt for postal purposes any other "newly discovered agency or contrivance" that offered a "decided advantage of celerity."<sup>70</sup>

Chappell's logic failed to sway prominent Democrats in Congress, and had little effect on the Democratic president, James K. Polk, who does not seem to have left any record of his views on the subject. The Polk administration's official organ, the *Washington Union*, took no position on the telegraph issue, though it did run a letter from a supporter of federal control as late as December 1846.<sup>71</sup> Given the traditional Democratic hostility toward governmental activism, this was perhaps not surprising. More intriguing was the fact that federal control did win the approval of several Democratic-leaning newspapers, including the *New York Evening Post*, the *Philadelphia Pennsylvanian*, and the *Washington Constitution*. Federal control also had the support, at various times, of a number of nationally prominent Democrats. These included Polk's postmaster general, Cave Johnson; two former Democratic cabinet members, Levi Woodbury

and Amos Kendall; Morse himself; and former Democratic congressman Francis O. J. Smith. To be sure, none but Woodbury were disinterested: Johnson stood to gain in power and prestige should the telegraph remain under his control; Smith owned a percentage of Morse's patent; and Kendall was Morse's business agent.

Smith made the case for federal control in an essay on postal reform that he published in the February 1845 issue of the *Merchants' Magazine*. Federal funding for the rapid extension of telegraphy, Smith contended, was far preferable to the "odious system" of harassing the private expresses in the courts. Smith doubted that the Post Office Department could ever underbid the private expresses, given the constraints that the regulatory regime imposed. Were the federal government to establish its own telegraph network, however, the challenge posed by the private expresses would disappear. "Can any one believe," Smith asked rhetorically, that if Congress lowered the basic letter rate and the Post Office Department established a low-cost telegraph on the Washington–New York route, the private letter-mail companies would persist, even if no penal law should be interposed to deter them? Should the Post Office Department string wires throughout the country, Smith predicted, it would attain the "highest approach to omniscience, within the limits of the Union, that human wants or human agency need aspire to."<sup>72</sup>

Kendall's position on federal control was complex. As a good Democrat, Kendall retained strong misgivings about governmental activism. The true object of government, Kendall postulated in 1843, was not to promote the happiness of the people, but to enable the people to promote their own happiness.<sup>73</sup> Instead of enacting new penal laws to stymie the private expresses, why not encourage the federal government to retrench its own establishments as fast as private enterprise advanced, and "content itself" with doing only that which the citizen "cannot effect for himself?"<sup>74</sup> Indeed, at one point, Kendall went so far as to propose that the Post Office Department abandon the railroad altogether as a means of conveyance, and rely exclusively on post riders to carry the mail.<sup>75</sup>

Yet Kendall also recognized that certain public projects fell within the legitimate domain of the federal government. As postmaster general in the 1830s, Kendall had endorsed various innovations in high-speed communication, including an elaborate Washington–New Orleans horse express. By far the most ambitious innovation to win Kendall's assent was an optical telegraph—modeled loosely on the French prototype of Claude Chappe—that Kendall hoped might one day connect the country's leading ports.<sup>76</sup> "That great public benefits will arise from the establishment of a line of [optical] telegraphs along our coasts, if not into the interior, there can be no doubt," Kendall declared in a public letter

in February 1837. "The rapid diffusion of intelligence is of great importance in our busy country, and a portion of our abundant public funds cannot, in my opinion, be more usefully employed than in the attainment of that object."<sup>77</sup>

The awkwardness of Kendall's position was evident in a letter that he wrote in August 1845 to Morse's partner, Francis O. J. Smith. "One consideration" that favored a buyout, Kendall explained to Smith, was the "'certainty'" of a quick and substantial financial return. "If you and I and my principals can realize at once all of [the] wealth that the human heart ought to desire, it is better for us to take it, than to fight our way for years through difficulties and perplexities, however brilliant in imagination may be the prospective."<sup>78</sup>

By far the most determined Democratic champion of federal control was Polk's postmaster general, Cave Johnson, the administrator under whose direction the first commercial telegraph had been established in 1845. Johnson's support for federal control is often misunderstood. Well known as a fiscal conservative, Johnson conceded in his annual report for 1845 that, based on the revenue generated thus far by the Washington-Baltimore line, he did not believe the federal government could ever run the telegraph at a profit.<sup>79</sup> Johnson's gloomy fiscal assessment outraged Amos Kendall, who accused him of deliberately using his public office to depress the value of Morse's patent.<sup>80</sup> In the years after the Civil War, Johnson's prediction would be routinely cited as proof that federal administrators had stumbled badly in their first attempt to run the industry, and should not be given a second chance.

However wrongheaded Johnson's prediction may appear in hindsight, it is important to remember that it was the only caveat that he raised in what was, in fact, a broad-gauged appeal for federal control. "In the hands of individuals or associations," Johnson declared in the same report, the telegraph might become the "most potent instrument" the world ever knew to effect "sudden and large speculations—to rob the many of their just advantages, and concentrate them upon the few." To forestall such a catastrophe, Johnson regarded some kind of regulatory apparatus as imperative: "The use of an instrument so powerful for good or evil cannot with safety to the people be left in the hands of private individuals uncontrolled by law."<sup>81</sup>

Military exigency reinforced Johnson's commitment to federal control. Shortly after the start of the Mexican War, Johnson reported to Congress that a private consortium of New York editors headed up by Moses Y. Beach of the New York *Sun* had established a horse express in Alabama to transmit from Mexico newspaper clippings with military reports in advance of the mail. The proprietors of this express, Johnson conceded, violated no federal law, since the recently enacted post office law had specifically exempted newspapers from the

postal monopoly. Still, Johnson hoped to supplant the horse express with a telegraph for the duration of the war, and took the trouble to secure from Kendall the patent rights for such a venture on the "most liberal terms."<sup>82</sup>

Johnson failed to secure congressional support for his wartime telegraph and, in 1847, the Washington-Baltimore line passed out of federal control. With the exception of a brief moment during the First World War, postal administrators would never again be able to plausibly contend that they could outpace private enterprise in the circulation of time-specific information on commerce and public affairs.

Popular support for federal control never disappeared altogether. With the expansion of the telegraph network, however, several once-potent criticisms of the new technology came to seem overblown. Once the new technology became a mundane reality, rather than a visionary dream, editors discovered it to be less threatening to ordinary commercial transactions than they had feared, and more useful in their daily operations than they had anticipated.<sup>83</sup> It was, for example, by no means incidental that the most searching critiques in the New York press of private enterprise in telegraphy antedated the extension of the first telegraph line to New York City.

Particularly important in legitimating private control of the new technology were the steady stream of public statements that Amos Kendall issued between 1845 and 1847. In these statements, Kendall enunciated the rules and regulations of Morse's Magnetic Telegraph Company and defended the patentees' right to a monopoly of Morse's patent. "Of one kind of monopoly I am in favor," Kendall declared in the Washington *Union* in September 1847, "a monopoly of a man's own property. . . . Patent rights are as much private property as printing presses."<sup>84</sup> To mollify the press, Kendall promised editors special rates for the circulation of news—a promise that Kendall's own long tenure as a newspaper editor rendered especially credible.<sup>85</sup> And to win over merchants, Kendall stressed that his company would guarantee equal access for anyone who could afford the regular fees, and dismiss any employee who manipulated its wires to promote a purely private speculation. To fault the new technology for encouraging insider trading, Kendall believed, was particularly unfair. Prior to the advent of the electric telegraph, Kendall reminded his critics, merchants had long maintained an optical telegraph between New York and Philadelphia for the benefit of "*speculators exclusively*"—and no one had complained. It would be impossible, Kendall added, to devise a set of administrative procedures that would preclude the possibility of speculative abuse. Still, the rules his company had devised would "place all men on equality, in the use of the telegraph"—even



though, of course, they could not "make them equal in the sagacity, industry, and enterprise, which enables them to use it profitably to themselves."<sup>86</sup>

Beginning in the summer of 1846, criticisms of federal control began to find their way into the press. Led by *Niles's National Register* and the *Albany Evening Journal*, a small but influential number of journals raised questions about the effectiveness of public administration of the new technology and warned against the political dangers that might accompany federal control.<sup>87</sup> Private enterprise, they agreed, had thus far worked remarkably well. Just as competition had brought about major reforms in mail delivery, editorialized Jeremiah Hughes of *Niles*, so, too, it would spur technical innovation in telegraphy.<sup>88</sup> The commercialization of the new technology by the federal government was likely to prove very costly, warned the *Evening Journal*, and was in any event too complicated for public administrators to coordinate. Furthermore, unless Congress enacted laws as arbitrary as the laws prohibiting private competition in mail delivery, Morse's patent would in all likelihood be quickly superseded, and "individual enterprise" would drive the government into bankruptcy.<sup>89</sup> If any business could be safely left in the hands of the people, predicted the editor of the *New York Evening Mirror*—in articulating the emerging consensus—it was telegraphy: "It is free to all who choose to pay for the use of it, and thus far has been managed with admirable skill and discretion."<sup>90</sup> The case for federal control received a further blow when, shortly thereafter, several state legislatures, led by New York, passed laws to curb the most serious forms of potential abuse.<sup>91</sup>

Following the Civil War, champions and critics of telegraph reform would endlessly debate the significance of this early experiment in federal control. While industry insiders typically dismissed federal control as a bizarre and short-lived aberration, a few old-timers were candid enough to recall that, at the time, they had held a different view. Proposals for the regulation of the telegraph industry by the federal government, declared veteran telegrapher George Prescott in 1866, were "unwise, injudicious, and unnecessary." Yet, Prescott added, this had not always been his position:

During the first half of my twenty years' service as a telegraph operator, I was strongly of the opinion that it would have been good policy for the government to own and control the telegraph lines, and that the public would have been greatly benefited thereby. The companies were then small and poor, the lines were badly constructed and worse supported; and all progress was prevented by the constant and unremitting competition of rival lines. There was no question but that one company could do the telegraphic business over any given territory much cheaper and better than two or more. There is a striking

analogy in this respect between the telegraph and the mail service, and no one will deny that one company can manage this service better than two or more.

Given the unlimited resources of the federal government, Prescott explained, he had taken it for granted that it was the only institution with the requisite means to promote the public good.<sup>92</sup>

By 1866, Prescott had changed his mind. Now that Prescott's employer, Western Union, had established a dominant position in the American telegraph industry, Prescott no longer doubted that a private enterprise could coordinate a nationwide network. At approximately the same time, Morse himself reached a similar conclusion. Western Union, Morse wrote Kendall in March 1866, was "becoming, doubtless, a *monopoly*, but no more so than the post office system, and its unity is in reality a public advantage if properly and uprightly managed."<sup>93</sup>

During the 1840s, large numbers of Americans participated in a broad-ranging discussion of national communications policy, the first such discussion in American history. Political engagement was high and the command of the issues impressive. Though the privatization of the postal system had influential champions, in the end, Congress buttressed the existing regulatory regime. Indeed, in 1851 Congress went so far as to authorize improvements in the level of mail delivery that were independent of their possible impact on postal finance. In an age in which historians have often dismissed governmental institutions as agents of change, here was one policy decision that dramatically broadened the mandate of the federal government.

In telegraphy, in contrast, deregulation prevailed.<sup>94</sup> Notwithstanding the explicit preference of Morse and the misgivings of a leading segment of the press, legislators declined to establish a regulatory regime that was in any way comparable to the regulatory regime that had long existed in mail delivery. Even in telegraphy, however, deregulation had its limits. The industry remained constrained not only by a congeries of state regulations but also by federal court rulings on patent rights, contracts, and eminent domain. Following the Civil War, reformers would once again agitate for federal control, catalyzing a popular movement for "postal telegraphy" that, in the early twentieth century, would shape the regulatory regime in the telephone industry.<sup>95</sup>

The enactment of legislation to promote the public welfare is central to what the founders of the American republic meant by political republicanism, and is among the most important of the legacies of the American Revolution. Not until the 1840s would a younger generation move beyond the founders and decisively challenge this shared consensus. For various reasons, these reformers rejected

political republicanism and embraced the noninterventionist economic credo that has come to be known as economic liberalism. In transportation, banking, and telegraphy, federal regulation was almost ritualistically disparaged. For the first time in American history, it became common to characterize as private even those enterprises that were the most heavily dependent on the public largesse—such as, for example, the land-grant railroads in the trans-Mississippi West. In the process, the now-familiar idealization of private enterprise emerged. It was a genuinely new idea, an invented tradition popularized by critics of governmental expansion as a reaction to, and critique of, the prior expansion of the early American state. In mail delivery, in contrast, a regulatory regime that dated back to the 1790s retained enough popular support to endure. Postal deregulation was not without its defenders; yet, in the end, this was one market revolution that failed.

#### NOTES

1. *Washington Daily Union*, June 29, 1847.
2. *New York Journal of Commerce*, July 16, 1840, July 30, 1840.
3. *Ibid.*, February 2, 1844.
4. *Ibid.*, February 29, 1844, 14 March 14, 1844.
5. *Washington Daily Union*, June 29, 1847.
6. *Ibid.*
7. *Ibid.*
8. For a more extended critique of historical writing on the early American state, see Richard R. John, "Governmental Institutions as Agents of Change: Rethinking American Political Development in the Early Republic, 1787–1835," *Studies in American Political Development*, 11 (Fall 1997): 347–80.
9. The distributive character of public policy in the early republic is a theme of Richard L. McCormick's *Party Period and Public Policy: American Politics from the Age of Jackson to the Progressive Era* (New York, 1986), esp. 204–6.
10. E. J. Hobsbawm and Terence Ranger, eds., *The Invention of Tradition* (New York, 1984).
11. For a related discussion, see Rush Welter, *The Mind of America, 1820–1860* (New York, 1975), chap. 6.
12. These generalizations are based on an on-line search of "A Century of Lawmaking for the New Nation: Congressional Documents and Debates, 1774–1873," an electronic library that is part of the Library of Congress's American Memory project.
13. *House Journal*, December 2, 1806, 4681 (emphasis added).
14. To get some idea of the frequency with which Americans used the phrase "private enterprise" in the early republic, I conducted an electronic search of the large collection

of nineteenth-century machine-readable documents that are included in the "Making of America" electronic libraries maintained by the University of Michigan and Cornell University. Electronic searches must be used in conjunction with other, more traditional methods of historical inquiry, since, among other things, their utility is predicated upon the representativeness of the documents they include. Still, it is suggestive that in neither library is the phrase "private enterprise" at all common prior to the 1830s, while, in the period between the 1830s and the Civil War, the phrase rarely occurs more than once or twice in a single book or article. Had contemporaries invested the phrase with the thick layers of meaning that it has since come to acquire, one would have expected that it would have been more frequently invoked. In most instances, contemporaries used it merely to distinguish a government project from a project that lacked government support. Only rarely did they hail it as a distinctively American achievement, and almost never did they use it to characterize a business activity (such as, for example, textile manufacturing or blacksmithing) in which the government did not engage. Searches of the Lexus-Nexus and "Century of Lawmaking" electronic libraries generated similar results.

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16. "The Projected Ship Canal to Connect the Atlantic and Pacific Oceans," *United States Magazine and Democratic Review* 6 (November 1839): 423 (emphasis added).
17. Michael Kammen, "The Problem of American Exceptionalism: A Reconsideration," *American Quarterly* 45 (1993): 22–24; Thomas K. McCraw, "Business and Government: The Origins of the Adversary Relationship," *California Management Review* 26 (1984): 42–44.
18. Richard R. John, *Spreading the News: The American Postal System from Franklin to Morse* (Cambridge, Mass., 1995).
19. John Lauritz Larson, *Internal Improvement: National Public Works and the Promise of Popular Government in the Early United States* (Chapel Hill, 2001); Richard R. John and Christopher J. Young, "Rites of Passage: Postal Petitioning as a Tool of Governance in the Age of Federalism," in *The House and Senate in the 1790s: Petitioning, Lobbying, and Institutional Development*, ed. Kenneth R. Bowling and Donald R. Kennon (Athens, Ohio, 2002), 100–138.
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22. William Harnden to J. W. Lawrence, March 25, 1841, in A. L. Stimson, *History of the Express Companies* (New York, 1859), 60.
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  26. Lysander Spooner, *Who Caused the Reduction of Postage in 1845?* (Boston, 1849), 15.
  27. Stimson, *Express Companies*, 150.
  28. Boston *Morning Chronicle*, July 12, 1844.
  29. James De Peyster Ogden to Charles Wickliffe, August 22, 1844, in "Report of the Postmaster General," *Senate Document* 1, 685. See also Boston *Daily Advertiser*, June 26, 1844.
  30. *Senate Document* 215, 27th Cong., 3rd sess., serial 416, 1843, 1.
  31. Baltimore *Sun*, March 19, 1844.
  32. *Ibid.*, January 8, 1845.
  33. *New-York Daily Tribune*, October 3, 1843.
  34. *Ibid.*, April 24, 1844.
  35. *Buffalo Commercial*, June 29, 1844, cited in Elliott Perry, *Pat Paragraphs*, ed. George T. Turner and Thomas E. Stanton (Takoma Park, Md., 1981), 305.
  36. Washington *Daily National Intelligencer*, February 14, 1844.
  37. *New York Journal of Commerce*, January 29, 1845. The Post Office Department did in fact establish such an express. Washington *Constitution*, February 22, 1845.
  38. *Congressional Globe*, February 11, 1839, 184.
  39. *Ibid.*, March 22, 1844, 423.
  40. Amasa Dana, *Speech of Mr. Dana, of New York, on the Post Office Bill . . .* (Washington, 1845), 5; *Congressional Globe*, February 25, 1845, 348.
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60. *New York Journal of Commerce*, January 11, 1845.
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## I3

## Popular Movements and Party Rule

The New York Anti-Rent Wars and  
the Jacksonian Political Order

When he arrived in Sand Lake, a village in the foothills of the Tagkhanic mountains just east of Albany, Governor William Bouck felt a shock of dismay and anger. A crowd was waiting for him. Brightly colored banners and transparencies filled the village square with strange icons, pictures of Indians, and mottoes like "Down with the Rent" and "The Land is Mine, Sayeth the Lord." As the governor arrived, the celebrants began firing a six-pound cannon; between one and two thousand people crowded around his carriage, "in various ways demonstrat[ing] their high respect for their chief magistrate." At the edge of the crowd stood a hundred men dressed in pantaloons, calico gowns, and painted muslin masks. The men carried "swords, knives, bits of scythes, . . . threatening looking cheese knives, . . . clubs . . . muskets, . . . [and] pistols."<sup>1</sup>

The governor had expected his visit to be secret; the crowd's presence meant that news of his trip would get back to Albany, exposing him to political attacks



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**To Marion Nelson Winship**

*who asks great questions*



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